

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CHAMILIA, LLC,)	
)	
Plaintiff,)	Civil Action No.: 04-CV-06017 (KMK)
)	
v.)	
)	
PANDORA JEWELRY, LLC,)	
)	
Defendant.)	

**DECLARATION OF JAMES G. GOGGIN IN SUPPORT
OF CHAMILIA, LLC'S MEMORANDUM IN OPPOSITION
TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, James G. Goggin declares as follows:

1. I am a partner with Verrill Dana, LLP, counsel to plaintiff Chamilia, LLC ("Chamilia") in the above-captioned action. I submit this declaration in support of Chamilia's Memorandum in Opposition to Defendant's Motion for Summary Judgment.

2. On or about July 14, 2005, in accordance with the Court's direction, counsel for defendant Pandora, LLC ("Pandora") produced copies of its Terms and Conditions letter that had been signed by retailers. There were 449 such signed letters. Attached hereto as Exhibit A [**Confidential: filed under seal**] are true and correct copies of four of the signed letters, bearing Bates numbers PAN00669, PAN00696, PAN00947, and PAN00984.

3. Attached hereto as Exhibit B are true and correct copies of selected pages from the web site of LOOKS, LLC as it existed on June 1, 2002. These pages were retrieved using the Internet Archive web site (www.archive.org), which maintains "an 'Internet library,' with the purpose of offering permanent access for researchers, historians, and scholars to historical collections that exist in digital format." These pages can be found at the following locations:

<http://web.archive.org/web/20020601065533/http://www.looksllc.com/>

<http://web.archive.org/web/20020804131342/www.looksllc.com/Products/products.html>

http://web.archive.org/web/20020806002151/www.looksllc.com/Products/PS_Design/ps_design.html

These web pages demonstrate that Pandora jewelry was offered for sale in the United States no later than June 2002.

4. Attached as exhibits hereto are true and correct copies of the following documents:

Exhibit C	Excerpts from the transcript of the deposition of Knud Hostrup
Exhibit D	Excerpts from the transcript of the deposition of Jeffrey Julkowski
Exhibit E	Excerpts from the transcript of the deposition of Kathy Shaw-Riley
Exhibit F	Excerpts from the transcript of the deposition of Lisa Whirlow
Exhibit G	Letter from Steve Glueck dated April 12, 2005 (Plaintiff's Deposition Exhibit 9)
Exhibit H	Declaration of Lisa Whirlow in Support of Petition to Access a Pending Patent Application under 37 CFR § 1.14 (Defendant's Deposition Exhibit 14) [Confidential: filed under seal]
Exhibit I	Excerpts from the transcript of the deposition of Michael Lund Petersen
Exhibit J	Transcription of a voice-mail message left by Michael Lund Petersen for Donna-Renee Carlos of Carlos Italian Charm Shop on August 16, 2004

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 15 in Portland, Maine.

/s/ James G. Goggin
James G. Goggin